

REMARKS

This is a full and timely response to the final Office Action mailed on September 8, 2006. Through this response, claim 96 has been amended. Reconsideration and allowance of the application and presently pending claims are respectfully requested. Applicants should not be presumed to agree with any statements made in the Office Action regarding the rejections and objections made in the Office Action unless otherwise specifically indicated by Applicants.

I. Claim of Priority

Applicants are not addressing the validity of all assertions made in the Office Action regarding the priority of this Application. Therefore, Applicants should be not presumed to agree with any statements made in the Office Action regarding the priority of the Application unless otherwise specifically indicated by Applicants.

II. Claim Objections

Claim 96 was objected to because the phrase “information related to the visual scene stored only in the memory of the STT” should be amended to read “information related to the visual scene stored only in the memory of the STT.” (Office Action, pg. 3). Applicants have amended claim 96 as suggested, and respectfully request that the objection to claim 96 be withdrawn.

III. Response to Claim Rejections Under 35 U.S.C. § 103

A. Statement of the Rejection

Claims 80, 82, 83, 85, 86, 90-92, 96-100 have been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *White* (“*White*,” U.S. Patent No. 6,628,302 B2) in view of *Lewis et*

al. (“*Lewis*,” WO 00/04726 A2). Claims 93-95 and 101 have been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *White* in view of *Lewis*, and in further view of Wang (“*Wang*,” U.S. Patent No. 6,501,902 B1). Applicants respectfully traverse these rejections.

B. Discussion of the Rejection

Applicants respectfully submit that a *prima facie* case of obviousness is not established using the art of record.

White in view of Lewis

Independent Claim 80

Claim 80 recites (emphasis added):

80. A method implemented by a television set-top terminal (STT) coupled via a bi-directional communication network to a server located remotely from the STT in a cable television headend, said method comprising steps of:

- receiving via a tuner in the STT a video presentation provided by the server located in the cable television headend, wherein the video presentation is a video-on-demand presentation;
- outputting by the STT at least a portion of the video presentation as a video-on-demand television signal;
- receiving a first user input associated with bookmarking a visual scene contained in the video presentation, including receiving a character sequence to be assigned to the visual scene while the video presentation is being presented to the user;
- storing information related to the visual scene in a memory of the STT responsive to receiving the first user input, including storing only in the memory of the STT information related to the visual scene in response to receiving the first user input, including storing only in the memory of the STT data corresponding to the character sequence in response to receiving the user input configured to assign the character sequence to the visual scene;
- outputting by the STT at least another portion of the video presentation as a video-on-demand television signal;
- receiving a second user input configured to request from the headend the visual scene in the video presentation after the STT has output at least another portion of the video presentation;*
- responsive to receiving the second user input, requesting by the STT that the headend send the video presentation beginning from the requested visual scene;*
- receiving by the STT from the headend the video presentation beginning from the requested visual scene;
- outputting by the STT a video-on-demand television signal comprising a

portion of the video presentation starting from a location corresponding to the visual scene responsive to the second user input, wherein the location corresponding to the visual scene is identified by the STT using the information related to the visual scene, including using information related to the visual scene stored only in the STT; and
storing an image corresponding to the visual scene in a memory of the STT responsive to receiving the first user input.

Applicants respectfully submit that *White* in view of *Lewis* does not disclose, teach, or suggest at least the above emphasized claim features, and thus, Applicants respectfully submit that independent claim 80 is allowable over *White* in view of *Lewis*.

Specifically, *White* (Col. 5, ln. 10-58, emphasis added) describes the operation of a headend and a client when a user uses stop or pause functions:

A data record is stored--either at the client, at the head-end, or at a proxy server--indicating the point of video interruption (e.g. by SMPTE code, disk address, time offset, etc.) so that playback can be resumed from that point (or shortly before that point, to provide context).

When either the STOP or PAUSE button is activated on the panel 74, the panel 74 persists on the screen, but the highlighting is switched back to PLAY. (If the PAUSE button is used to resume playback following a pause instruction, and the user activates the PAUSE button to interrupt the video, the highlighting can remain at the PAUSE button.) This arrangement permits the viewer to resume playback simply by pressing "Go" on the remote, since the button that resumes playback is already highlighted. (The panel similarly persists on-screen if the REWIND or FAST FORWARD buttons is activated, with PLAY next highlighted.)

The screen can be put to various uses while the video is interrupted. Examples include presentation of quizzes and other entertainment to viewers who may still be in the viewing room. An indication of waiting email, or commercial or promotional messages, can similarly be presented.

If the stop in playback is brief, the system 10 maintains the assignment of the transmission channel to that video on demand client 14, despite the interruption in video delivery. However, if the interruption period exceeds a threshold value (e.g. ten minutes), the system returns the assigned transmission channel back to the system's pool of available transmission channels. The channel may then be assigned to another use. If the user thereafter resumes playback by pressing "Go" on the remote (PLAY was already highlighted), the system responds by dynamically assigning a new transmission channel, retuning the client's RF tuner and the head-end's modulator accordingly, and resuming playback from (or just before) the point

of interruption.

A similar sequence occurs if the user changes to another viewer channel during playback of an on-demand video (e.g. changing to MSNBC to check a sports score). The system interrupts delivery of the on-demand video (e.g. in response to an instruction or notification sent by the client), and a record indicating the point of MPEG interruption is stored. If the user returns to the VIDEO viewer channel within a predetermined period (e.g. 24 hours), the system resumes transmission of the video from the point of interruption. (No user action, e.g. pressing PLAY, is required—no video control panel is presented in this scenario.) Again, the resumed transmission may occur over a different transmission channel, but this detail is transparent to the user.

Applicants respectfully submit that it is clear from the above emphasized text that *White* does not appear to describe “receiving a second user input configured to request from the headend the visual scene in the video presentation ***after the STT has output at least another portion of the video presentation***” of claim 80. Even assuming, arguendo, that *White* discusses VOD, it is in the context of the stop or pause functions (or changing the channel during playback). Once the stop or pause functions of *White* are activated, the system in *White* does not appear to output any portion of content from the given video presentation as claimed in claim 80.

Further, *White* does not appear to disclose the feature of “responsive to receiving the second user input, ***requesting by the STT that the headend send the video presentation beginning from the requested visual scene,***” because it appears that the playback in *White* can be resumed from the point of video interruption (e.g. by SMPTE code, disk address, time offset, etc.) not a requested visual scene.

Additionally, *Lewis* fails to teach the emphasized claim features because *Lewis* appears, arguendo, to describe the functions of a DVD player, and not a STT and its interaction with a the headend in a VOD system. Therefore, *Lewis* simply does not appear to disclose, teach, or suggest any interaction with a headend, let alone “***receiving a second user input configured to request from the headend the visual scene*** in the video presentation after the STT has output at

least another portion of the video presentation, or responsive to receiving the second user input, ***requesting by the STT that the headend send the video presentation***” beginning from the requested visual scene.

The Office Action also alleges on pages 6-7 that:

... it would have been obvious to one having ordinary skill in the art to modify the VOD playback system [10] and in particular the digital video apparatus or ‘STT’ [14] of White et al. to “... receiving a second user input configured to request from the headend the visual scene in the video presentation after the STT has output the at least another portion of the STT that the headend send the video presentation beginning from the requested video scene;”... for the purpose of advantageously providing a method that allows the user to avoid the inconvenience of having to manipulate various keys in order to locate and start playback from a selected location within a video presentation (Lewis et al.: Page 2, Lines 4-14).

Applicants respectfully disagree. Applicants respectfully submit that it would not have been obvious to combine *White* and *Lewis*, and the combination is unreasonable because there is considerable complexity involved in bookmarking content from the headend of a VOD network that is not addressed in either of the prior art references.

Specifically, *Lewis* makes no reference to VOD systems or networks, and only appears to teach bookmarking in a local client with no external content. Bookmarking local content in a local client is considerably more simple and different than bookmarking content that is received over a VOD network. Additionally, *White’s* failure to describe bookmarking, and lack of any reference to a feature of displaying video content after a “pause,” “stop,” or other interruption further demonstrates that it would not be obvious to combine the cited references, and that the Office Action’s combination of the references is unreasonable.

Thus, for at least these reasons, independent claim 80 is not anticipated by *White* in view of *Lewis*, and respectfully request that the rejection of claim 80 be withdrawn.

Dependent Claims 82, 83, 85, 86, and 90-92

Because independent claim 80 is allowable over the art of record, dependent claims 82, 83, 85, 86, and 90-92 are allowable as a matter of law for at least the reason that the dependent claims 82, 83, 85, 86, and 90-92 contain all elements of their respective base claim. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 96:

Claim 96 recites (with emphasis added):

96. A television set-top terminal (STT) coupled via a bi-directional communication network to a server located remotely from the STT in a cable television headend, said STT comprising:

- a tuner configured to receive a motion video presentation provided by the server located in the cable television headend, wherein the video presentation is a video-on-demand presentation;

- a memory; and

- a processor that is programmed to enable the STT to,

- output at least a portion of the motion video presentation as a video-on-demand television signal,

- store information related to a visual scene contained in the motion video presentation only in the memory of the STT responsive to the STT receiving a first user input associated with the visual scene, without stopping output of the motion video presentation, wherein the first user input includes a character sequence to be assigned to the visual scene, and wherein the information related to the visual scene includes data corresponding to the character sequence,

- output at least another portion of the motion video presentation as a video-on-demand television signal,

- receive a second user input configured to request from the headend the visual scene in the video presentation after the STT has output the at least another portion of the motion video presentation,*

- responsive to receiving the second user input at the STT, request that the headend send the motion video presentation beginning from the requested visual scene,*

- receive from the headend the motion video presentation beginning from the requested visual scene, and

- output responsive to the STT receiving a second user input a video-on-demand television signal comprising a portion of

the motion video presentation starting from a location corresponding to the visual scene, including using information related to the visual scene stored only the memory of the STT,
wherein the video-on-demand television signal comprising the portion of the motion video presentation starting from a location corresponding to the visual scene is output after the at least another portion of the motion video presentation is output as a video-on-demand television signal.

For similar reasons presented above in association with independent claim 80, Applicants respectfully submit that *White* in view of *Lewis* does not disclose, teach, or suggest at least the above emphasized claim features. Specifically, neither *White* nor *Lewis* appear to teach bookmarking VOD content received from a headend. Additionally, the Applicants respectfully submit that the combination of *White* in view of *Lewis* is not obvious due to the complexity in implementing a VOD bookmarking system, which does not appear to be addressed in either *White* or *Lewis*. Accordingly, Applicants respectfully submit that independent claim 96 is allowable over the art of record.

Dependent Claims 97-100

Because independent claim 96 is allowable over the art of record, dependent claims 97-100 are allowable as a matter of law.

White in view of Lewis in further view of Wang

Dependent Claim 93

Applicants respectfully submit that *White* in view of *Lewis* fails to disclose, teach, or suggest at least the above-emphasized claim features of independent claim 80 for at least the reasons presented above. Further, Applicants respectfully submit that *Wang* fails to remedy these deficiencies. Since claim 93 incorporates the features of allowable claim 80, Applicants respectfully submit claim 93 is allowable as a matter of law, and thus, respectfully request that the rejection to claim 93 be withdrawn.

White in view of Lewis, and in further view of Wang

Dependent Claims 94 and 95

Applicants respectfully submit that *White* in view of *Lewis* fails to disclose, teach, or suggest at least the above-emphasized claim features of independent claim 80 for at least the reasons presented above. Further, Applicants respectfully submit that *Wang* fails to remedy these deficiencies. Since claims 94 and 95 incorporate the features of allowable claim 80, Applicants respectfully submit claims 94 and 95 are allowable as a matter of law, and thus, respectfully request that the rejections to claims 94 and 95 be withdrawn.

Dependent Claim 101

Applicants respectfully submit that *White* in view of *Lewis* fails to disclose, teach, or suggest at least the above-emphasized claim features of independent claim 96 for similar reasons to those presented above. Further, Applicants respectfully submit that *Wang* fails to remedy these deficiencies. Since claim 101 incorporates the features of allowable claim 96, Applicants respectfully submit claim 101 is allowable as a matter of law, and thus, respectfully request that the rejection to claim 101 be withdrawn.

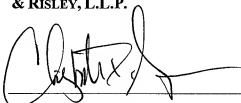
CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted.

In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

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& RISLEY, L.L.P.**

A handwritten signature in black ink, appearing to read 'Christopher D. Guinn', is written over a horizontal line.

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